

Appln No.: 09/828,607

Amendment dated September 8, 2003

In Response to Examiner's Office Action dated May 7, 2003

AMENDMENTS TO THE CLAIMS

Please cancel claims 29, 35-46 and 51-56 without prejudice.

Please amend claims 1, 27, 47, 50 and 57. This listing of claims will replace all prior versions, and listings, of claims in this application.

Listing of Claims:

Claim 1 (Amended): A method for repairing a defect locus in a nonarticular cartilage tissue of a mammal, ~~the~~ method comprising the step of providing administering an osteogenic device comprising an osteogenic protein of SEQ ID NO: 6 in a biocompatible, bioresorbable carrier to the defect locus, thereby inducing the formation of functional replacement cartilage tissue to repair said defect locus,

with the proviso that the osteogenic protein of SEQ ID NO: 6 may not be GDF-5 or GDF-6.

Claim 2 (original): The method of claim 1, wherein the defect locus is in a fibrocartilaginous tissue.

Claim 3 (currently amended): The method of claim 1, wherein the defect locus is in ~~the~~ a larynx.

Claim 4 (currently amended): The method of claim 1, wherein the defect locus is in ~~the~~ a trachea.

Claim 5 (original): The method of claim 1, wherein the defect locus is in an intervertebral disc.

Claim 6 (original): The method of claim 1, wherein the defect locus is in an interarticular meniscus.

Claim 7 (currently amended): The method of claim 1, wherein the defect locus is in ~~the~~ an ear, ~~the~~ a nose , or a rib.

Claim 8 (original): The method of claim 1, wherein the carrier comprises autologous or allogenic tissue.

Claim 9 (original): The method of claim 8, wherein the carrier comprises devitalized allogenic cartilage.

Claims 10 (currently amended): The method of claim 9, wherein the defect locus is in ~~the~~ a larynx.

Claim 11 (currently amended): The method of claim 9, wherein the defect locus is in ~~the~~ a trachea.

Claim 12 (original): The method of claim 9, wherein the defect locus is in an intervertebral disc.

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Claim 13 (original): The method of claim 9, wherein the defect locus is in an interarticular meniscus.

Claims 14 (original): The method of claim 1, wherein the carrier comprises collagen.

Claims 15 (currently amended): The method of claim 14, wherein the defect locus is in ~~the~~ a larynx.

Claim 16 (currently amended): The method of claim 14, wherein the defect locus is in ~~the~~ a trachea.

Claim 17 (original): The method of claim 14, wherein the defect locus is in an intervertebral disc.

Claim 18 (original): The method of claim 14, wherein the defect locus is in an interarticular meniscus.

Claim 19 (original): The method of claim 1, wherein the carrier comprises carboxymethylcellulose.

Claim 20 (original): The method of claim 19, wherein the carrier further comprises allogenic or autologous blood.

Claims 21 (currently amended): The method of claim 19, wherein the defect locus is in ~~the~~ a larynx.

Claim 22 (currently amended): The method of claim 19, wherein the defect locus is in ~~the~~ a trachea.

Claim 23 (original): The method of claim 19, wherein the defect locus is in an intervertebral disc.

Claim 24 (original): The method of claim 19, wherein the defect locus is in an interarticular meniscus.

Claim 25 (original): The method of claim 1, wherein the carrier comprises one or more members selected from the group consisting of hydroxyapatite; alkylcelluloses; poloxamers; gelatins; polyethylene glycols; dextrans; vegetable oils; and polymers of lactic acid; butyric acid, glycolic acid, and combinations thereof.

Claim 26 (original): The method of claim 1, wherein the osteogenic protein is OP-1.

Claim 27 (currently amended): The method of claim 1, wherein the osteogenic protein is selected from the group consisting of OP-2, OP-3, BMP-2, BMP-3, BMP-4, BMP-5, BMP-6, BMP-9, BMP-10, BMP-11, BMP-12, ~~BMP-13, BMP-14~~, BMP-15, BMP-3B, DPP, Vg-1, Vgr-1, 60A protein, GDF-1, GDF-2, GDF-3, ~~GDF-5,~~ ~~GDF-6,~~ GDF-7, GDF-8, GDF-9, GDF-10 and GDF-11.

Claim 28 (original): The method of claim 1, wherein the osteogenic protein comprises an amino acid sequence having

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at least 70% homology to the C-terminal 102-106 amino acids,
including the conserved seven-cysteine domain, of human OP-1.

Claim 29 (canceled).

Claims 30 (currently amended): The method of claim
26, wherein the defect locus is in ~~the~~ a larynx.

Claim 31 (original): The method of claim 26, wherein
the defect locus is in ~~the~~ a trachea.

Claim 32 (original): The method of claim 26, wherein
the defect locus is in an intervertebral disc.

Claim 33 (original): The method of claim 26, wherein
the defect locus is in an interarticular meniscus.

Claim 34 (original): The method of claim 1, wherein
the osteogenic protein and the carrier are implanted under the
perichondrium of the nonarticular cartilage tissue.

Claim 35-46 (canceled).

Claim 47 (currently amended): A method of promoting
chondrogenesis at a nonarticular defect locus in a mammal, ~~the~~
~~method~~ comprising the step of providing administering an
osteogenic device comprising an osteogenic protein of SEQ ID

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NO: 6 in a devitalized cartilage carrier to the defect locus,
thereby inducing the formation of functional cartilage tissue,

wherein the cartilage carrier is configured to fit
into the defect locus,

with the proviso that the osteogenic protein of SEQ
ID NO: 6 may not be GDF-5 or GDF-6.

Claim 48 (original): The method of claim 47, wherein
the cartilage carrier is a cartilage allograft.

Claim 49 (original): The method of claim 47, wherein
the osteogenic protein comprises an amino acid sequence having
at least 70% homology to the C-terminal 102-106 amino acids,
including the conserved seven-cysteine domain, of human OP-1.

Claim 50 (currently amended): The method of claim ~~49~~
47, wherein the osteogenic protein is human OP-1.

Claims 51-56 (canceled).

Claim 57 (currently amended): The method of ~~claim 1~~
any one of claims 1, 26, 47 and 50, wherein the carrier is
selected from the group consisting of a gel, paste, putty,
cement, sheet and liquid formulation.

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Claim 58 (previously presented): The method of claim 57, wherein the carrier is a gel formulation.

Claim 59 (previously presented): The method of claim 57, wherein the carrier is a liquid formulation.

Claim 60 (previously presented): The method of claim 58 or 59, wherein the formulation is for administration by injection.